

REMARKS

In response to the restriction requirement set forth in the Office Action, Applicants hereby provisionally elect Group I (claims 1-7 drawn to a fuel injector) and Species A (drawn to Figure 3B) with traverse.

The Office Action indicates that the invention of Group II is patentably distinct from the fuel injector of Group I or the method of generating a spray pattern of Group II on the basis that a spray pattern of Group II can be generated by a paint sprayer or by spraying paint. Applicants respectfully submit that Group II should be grouped with either Group I or Group III (i.e. two groups instead of three groups) for the following reason.

Applicants have amended claim 8 of Group II to more particular point out that the spray pattern includes two portions of fuel combustible in the in a combustion chamber of an internal combustion engine, wherein a first portion includes the fan shape spray of fuel and the second portion includes at least one plume adjacent the fan shape spray. Applicants respectfully assert that one of ordinary skill in the art would not consider using a paint sprayer or by spraying paint to generate a spray pattern of fuel in an internal combustion engine. As noted by the MPEP, where an Applicant has shown that the alternative suggested by the Examiner is unworkable, the burden is upon the Examiner to suggest a viable example or withdraw the restriction requirement. Here, the spray pattern of claim 8 (Group II), as amended, precludes the use of a paint sprayer or by spraying paint as suggested by the Examiner. As such, the alternative suggested by the Examiner is not viable. Accordingly, Applicants respectfully request rejoinder of Group II with provisionally elected Group I. Upon rejoinder of Group II with Group I, Applicants elect claims 1-13 (identified as Group I and Group II by the Examiner).

An action on the merits is earnestly solicited.

Attached hereto is a marked-up copy of the changes made to claim 8 in this amendment. The attached page is labeled as "Version With Markings Showing Changes Made."

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: September 17, 2001

Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, D.C. 20036
(202) 467-7000

By: _____

Khoi Q. Ta
Reg. No. 47,300



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 8 has been amended as follows:

8.(Amended) A spray pattern of fuel generated by a fuel injector having a fuel inlet, a fuel outlet, a fuel passageway extending from the fuel inlet to the fuel outlet along a longitudinal axis, a body, a needle slidingly disposed within the body, a seat disposed at the fuel outlet, the seat having a plurality of passages, each of the plurality of passages having a central axis having an angle of inclination relative to the longitudinal axis, the spray pattern comprising:

at least two portions of fuel, the fuel being combustible in a combustion chamber of an internal combustion engine, wherein a first portion includes a fan shape spray of fuel and the second portion includes ~~;~~ ~~and~~ at least one plume of fuel adjacent the fan shape spray.
